



Journal of the Senate

Number 11

Wednesday, April 19, 1978

The Senate was called to order by Senator Henderson at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By Senator Gallen—

SB 808—A bill to be entitled An act relating to the Workmen's Compensation Law; adding a new subsection (6) to s. 440.151, Florida Statutes; providing for benefits with respect to disability or death caused by asbestosis, berylliosis, silicosis, and other dust diseases under the Workmen's Compensation Law; providing limitations on benefits; providing for findings by a qualified medical specialist for examination and recommendations with regard to the diagnosis of such diseases; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Appropriations.

By Senators Myers, MacKay and Zinkil—

SB 809—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.0651(7), (11), Florida Statutes, and adding subsections (12) and (13) to said section; providing that certain rate classifications are not unfairly discriminatory if actuarially justified; providing for establishment of rating territories with different rate classifications; providing jurisdiction for the Department of Insurance to modify, disapprove, review, and examine rating territories, rates, rate changes, and rate systems; providing procedures for modification or disapproval; providing for judicial review and stay of department's order; providing jurisdiction for the Department of Insurance to revise, modify, or disapprove rates, rate classifications, and rate systems that are unfairly discriminatory; providing procedures for modification or disapproval; providing that an insurer's classification or subclassification plan reflect statistical driving experience and exposure of insureds; prohibiting classification or subclassification plans based upon age or sex; authorizing insurers to provide for premium surcharges for insureds having less than 2 years' driving experience; requiring insurers to provide for premium surcharges for certain high risk drivers; requiring insurers to modify their filings to conform with the provisions of this act; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Henderson—

SCR 810—A concurrent resolution to recognize the valuable contribution to our state and nation made by the General Development Corporation and the General Development Foundation for their investigation, preservation, and research at the Little Salt Spring archaeological site.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Brantley—

SCR 811—A concurrent resolution honoring all secretaries throughout the State of Florida during National Secretaries Week, April 23-29, 1978.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators MacKay and Dunn—

SB 812—A bill to be entitled An act relating to treated fence posts; creating the Florida Treated Fence Post Act; requiring registration with the Department of Agriculture and Consumer Services of persons selling treated fence posts in this state; providing a fee; requiring marking of treated fence posts and certain disclosure to purchasers; providing for inspection by department; providing penalties; providing for injunction; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Commerce.

By Senator Pat Thomas—

SB 813—A bill to be entitled An act relating to probation and parole; amending s. 945.30(2), Florida Statutes; increasing the maximum amount paid by the Department of Offender Rehabilitation to certain entities for the cost of supervision or rehabilitation of certain probationers; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Senator Dunn (by request)—

SB 814—A bill to be entitled An act relating to the Florida Cemetery Act; amending s. 559.33(6), Florida Statutes; providing standards for the granting of a license to operate a cemetery; amending s. 559.37(6)(a), (c), (7)(b), Florida Statutes; adding s. 559.37(7)(d), Florida Statutes; providing circumstances for the revocation or suspension of a license; authorizing a circuit court to appoint an administrator for the property and operation of a cemetery; creating ss. 559.371-559.374, Florida Statutes; providing circumstances under which the Department of Banking and Finance may issue a cease and desist order to a cemetery company; providing for award of attorney's fees and costs in certain litigation; providing for the personal liability of cemetery owners or officers or directors of a cemetery company; providing for injunctions and civil penalties against a person who violates a cease and desist order; providing for maintenance of an abandoned cemetery by a political subdivision, county, or municipality; creating s. 559.405, Florida Statutes; prescribing authorized functions of a licensed cemetery company; amending s. 559.41, Florida Statutes; limiting the authority of a cemetery company to deposit care and maintenance trust funds in a bank or savings and loan association; amending s. 559.43(1), Florida Statutes; requiring the deposit of a certain amount into such fund for each burial right, grave, or space provided without charge; amending s. 559.441(3)(b), (d), (5)(a), (b), (7), (8), (10), (11), Florida Statutes; authorizing the maintenance of such fund as a trust account in a bank, trust company, or savings and loan association; providing circumstances for refund of moneys from such fund or account to a purchaser or his heirs, assigns, or representative; requiring the filing of financial reports relating to such fund or account; providing for the examination by the department of certain records held by the entity in which such account is maintained; deleting a penalty; amending s. 559.481(1), Florida Statutes; requiring a licensee to record certain notice; amending s. 559.51, Florida Statutes; prohibiting the failure to make required contributions to a trust fund or account, the unlawful withdrawal of funds from such fund or account, the making of certain false reports, or the violation of any provision of the act; providing penalties; repealing ss. 559.49, 559.50, Florida Statutes, relating to the bond required of a licensee; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce; Economic, Community and Consumer Affairs; and Judiciary-Criminal.

By Senator Dunn—

SB 815—A bill to be entitled An act relating to correctional facilities; providing that any person who intentionally sets fire to, or who attempts to set fire to, any correctional facility or the furnishings, fixtures, or grounds thereof, is guilty of a third degree felony; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Dunn—

SB 816—A bill to be entitled An act relating to payment of jurors and witnesses; amending ss. 40.29-40.35, Florida Statutes; prescribing procedures for the requisition of state funds and for the payment of jurors and witnesses before a grand jury or state attorney; prescribing procedures for accounting for such payments; requiring the Governor, when he suspends a clerk for failing to report and account for certain moneys, to report such action to the Senate; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Appropriations.

By Senator Dunn—

SB 817—A bill to be entitled An act relating to elevators; creating s. 399.065, Florida Statutes, requiring that certain passenger elevators, as a prerequisite to certification, must be equipped with braille designations as of January 1, 1980; directing the Division of Hotels and Restaurants of the Department of Business Regulation to inform certificate holders and applicants of this requirement and to make rules with respect thereto; providing for enforcement; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Dunn—

SB 818—A bill to be entitled An act relating to education; adding subsection (6) to s. 229.814, Florida Statutes; providing for equal status of high school equivalency diplomas for state purposes; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Wilson—

SB 819—A bill to be entitled An act relating to motor vehicles; amending s. 319.35, Florida Statutes, which prohibits tampering with the odometer of a motor vehicle; making it unlawful to supply a false odometer statement; increasing the penalty; adding paragraph (k) to s. 320.27(9), Florida Statutes; providing for denial, suspension, or revocation of a motor vehicle dealer's license for violation of s. 319.35; amending s. 325.19(5), Florida Statutes; requiring the current odometer reading and previous certificate number to be recorded and included in inspection records; amending s. 325.24(1), Florida Statutes; requiring that records be maintained for 24 months in an accessible manner; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Judiciary-Criminal.

By Senator Renick—

SCR 820—A concurrent resolution urging the United States Department of Transportation to adopt the symbols adopted by the National Fire Protection Association for display on all railroad cars transporting hazardous materials.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Dunn—

SB 821—A bill to be entitled An act relating to governmental reorganization; creating s. 20.205, Florida Statutes; amending ss. 20.24(2), 20.31(3), Florida Statutes; creating a Department of Justice; providing duties and responsibilities of

the department; transferring the Department of Criminal Law Enforcement, the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, and the Bureau of Criminal Justice Planning and Assistance of the Division of State Planning of the Department of Administration to the Department of Justice; amending ss. 110.051(3), 316.003(9), 322.02(2), 325.25(2), 406.02(1)(b), 943.02, 943.03, and 943.11(1), Florida Statutes; clarifying duties or responsibilities under the new Department of Justice and conforming provisions to the changes made by this act; directing the Division of Statutory Revision to prepare legislation conforming other statutory language; repealing s. 20.201, Florida Statutes, relating to the Department of Criminal Law Enforcement; repealing s. 943.29, Florida Statutes, relating to the Division of Staff Services of the Department of Criminal Law Enforcement; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, Judiciary-Criminal, and Appropriations.

By Senator Dunn—

SB 822—A bill to be entitled An act relating to public records; defining terms; creating a Privacy Board; providing for appointment of members; providing terms; providing powers and duties of the board; providing for staff; requiring agencies of the state or of political subdivisions that maintain personal information systems to submit certain notice to the board; providing exemptions; providing duties of agencies maintaining such systems; providing for the adoption of rules by the board; providing circumstances for access by a person to information about him; providing for establishment of certain fees; providing a cause of action for damages; providing a statute of limitations; providing for injunctions; providing severability; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations; Economic, Community and Consumer Affairs; and Appropriations.

By Senator MacKay—

SB 823—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08(7)(c), Florida Statutes; providing that private nonprofit corporations whose purpose is to raise funds for colleges and universities shall be considered educational institutions for purposes of the exemption from said tax granted to such institutions; providing an effective date.

—was read the first time by title and referred to the Committees on Education; and Finance, Taxation and Claims.

By Senators MacKay and Peterson—

SB 824—A bill to be entitled An act relating to trespass; creating s. 810.114, Florida Statutes, prohibiting persons from unlawfully trespassing by opening fences to expose crops or property or to hunt or fish without permission; providing penalties; creating s. 810.115, Florida Statutes, prohibiting persons from willfully and maliciously breaking or injuring another person's fences; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture; Natural Resources and Conservation; and Judiciary-Criminal.

By Senator Glisson—

SB 825—A bill to be entitled An act relating to medical assistance for the needy; amending s. 409.266(1)(c), Florida Statutes, relating to interest on savings accounts held in the names of Medicaid recipients; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Renick—

SM 826—A memorial to the United States Senate urging that it reject the Panama Canal Treaty currently before it for ratification.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Gallen—

SB 827—A bill to be entitled An act relating to local price controls on rent for luxury apartments; amending ss. 125.0103(4), 166.043(4), Florida Statutes; prohibiting certain local price controls on rents charged for dwelling units in luxury apartment buildings; defining luxury apartment building; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce; and Economic, Community and Consumer Affairs.

By Senators Spicola, Castor and McClain—

SB 828—A bill to be entitled An act relating to Hillsborough County and the City of Tampa; authorizing the Board of County Commissioners and the Tampa City Council to create zoning classifications within their respective boundaries for the purposes of regulating and restricting land use, preserving and facilitating certain public services, and lessening highway, fire, and other dangers to the public safety; authorizing such governing bodies to adopt zoning regulations and providing procedures for their adoption; providing for the appointment, powers, and duties of hearing officers; providing procedures for the hearing of applications for a change in zoning classification; providing for appeal of hearing officers, decisions to the respective governing bodies; providing for enforcement; providing a penalty; repealing sections 35-7, 35-19, 35-20, 35-21, 35-28, 35-30, 35-37, 35-38, 35-39, 35-40, 35-42, 35-43, 35-45, 35-54(a), 43-15(A)(6)(j)(3), 43-15(A)(7)(e), 43-15(B)(1), 43-18(A)(7)(a), 43-18(A)(7)(f), 43-19(A)(7)(1), 43-22(A)(4)(i), 43-23(A.1)(1)(a), 43-23(A.1)(1)(c), 43-28(B)(2)(p), 43-29, 43-31(B), 43-77(b)(5), 43-93, 43-93.1(2), 43-95(2)(b), 43-96(2), 43-96.2, City of Tampa Code, relating to zoning and planning; repealing chapter 18930, Laws of Florida, 1937, chapters 24588, 24594, 24595, and ss. 1-5 and 8-13, chapter 24592, Laws of Florida, 1947, chapters 25887, 26251, 26271, Laws of Florida, 1949, chapters 27602, 27608, 27613, Laws of Florida, 1951, chapter 29553 and ss. 1-3 and 5-13 of chapter 29131, Laws of Florida, 1953, and chapters 59-1349, 61-2262, 61-2928, 63-1407, 67-1473, 70-956, 71-940, Laws of Florida, relating to zoning and planning; providing for repeal of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Spicola—

SB 829—A bill to be entitled An act relating to the education of exceptional students; amending s. 233.056(1), Florida Statutes; providing specialized educational materials and other available services to hearing impaired students; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Appropriations.

By Senator Trask—

SB 830—A bill to be entitled An act relating to insurance; creating s. 627.7378, Florida Statutes; providing that deductibles for comprehensive motor vehicle insurance policies shall not apply to damage to glass; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Transportation—

SB 831—A bill to be entitled An act relating to traffic control; amending ss. 320.06(3) and 322.15(2), Florida Statutes, providing that a person charged with certain violations may not be convicted or fined if, prior to or at the time of his court or hearing appearance, he produces a driver's license or registration certificate valid at the time of his arrest; authorizing the clerk of the court to dismiss such a case prior to the defendant's appearance in court; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Williamson—

SB 832—A bill to be entitled An act relating to motor carriers; adding a new subsection (12) to s. 323.29, Florida Statutes; authorizing chartered counties to regulate by resolution persons operating motor vehicles with seating capacity of nine or more; excluding interstate carriers on routes and classes of transportation authorized by the Interstate Commerce Commission; excluding common carriers with certificates from the Public Service Commission for intercounty and intracounty carriage; providing for the eligibility of continued operation subsequent to adoption of county ordinance; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Transportation.

By Senator Williamson—

SB 833—A bill to be entitled An act relating to bail; amending ss. 903.28(1) and 903.29, Florida Statutes; extending the period during which forfeiture of a bond may be remitted and during which the principal may be arrested; deleting a restriction on remission of forfeiture when the defendant is apprehended; amending s. 903.31, Florida Statutes; providing that a finding of guilt or innocence shall satisfy the conditions of a bond; specifying effect of an original appearance bond; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Commerce.

By Senators Trask and Pat Thomas—

SB 834—A bill to be entitled An act relating to theft of horses and cattle; creating s. 812.015, Florida Statutes, providing for the seizure and forfeiture of certain vehicles, equipment, and animals involved in the theft of a horse or cow in the manner provided for the seizure and forfeiture of vehicles involved in the transportation of contraband; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Judiciary-Criminal.

By Senators Trask and Pat Thomas—

SB 835—A bill to be entitled An act relating to state officers and employees; adding paragraph (n) to s. 112.061(2), Florida Statutes, and amending subsection (12) thereof; providing for monthly travel advances to career service employees in routine travel status; providing limitations; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Appropriations.

By Senators Trask and Pat Thomas—

SB 836—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; adding subsection (29) to s. 570.07, Florida Statutes; authorizing the department to advance funds to career service employees for the purchase of official state samples for examination; providing limitations; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Appropriations.

By Senator Jon Thomas—

SB 837—A bill to be entitled An act relating to elections; providing that the date of the second primary election in 1978 shall be changed from October 10 to October 5; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Jon Thomas—

SB 838—A bill to be entitled an Act relating to retirement benefits; providing that public officers and employees may forfeit certain rights and benefits under state and local retirement systems upon conviction of any felony involving a breach

of public trust; providing procedures for determination by the court whether a felony is one involving a breach of public trust and whether retribution is necessary; repealing s. 121.-091(5)(f), (g), and (h) and (9)(c), Florida Statutes, which provide for forfeiture of retirement benefits under the Florida Retirement System under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations; Personnel, Retirement and Collective Bargaining; and Appropriations.

By Senators Zinkil and Jon Thomas—

SB 839—A bill to be entitled An act relating to county boundaries; amending ss. 7.06 and 7.13, Florida Statutes, to extend the boundaries of Broward County to include certain property in Dade County; providing for the effect on state funding and taxing formulas; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Sayler—

SJR 840—A joint resolution proposing an amendment to Section 8 of Article IV of the State Constitution relating to the Parole and Probation Commission.

—was read the first time by title and referred to the Committees on Corrections, Probation and Parole; and Rules and Calendar.

The Senate recessed at 8:40 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Mr. President	Gordon	Myers	Thomas, Jon
Barron	Gorman	Peterson	Thomas, Pat
Castor	Graham	Plante	Tobiassen
Chamberlin	Hair	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Prayer by the Reverend Raymond Blair, pastor of Temple Baptist Church, Tallahassee:

Good Morning Lord. We appreciate that we can come to you Lord, with our needs. And Lord, we are thankful that you have this universe in control. We want to ask, Father, that you might take this institution and these men who have been elected by the people of this state, that Lord you would touch their lives and, Lord, help them to seek your face in all the decisions they make. And, Lord, I'd ask that you give them special wisdom. They need it, Lord. That every decision might be made in consideration of your will. Lord, I'd pray you would bless them as they seek your will and that you would bless this state as they administer their duties. And, Lord, that your presence and power would be upon each one of them. And we'll thank you for it. And we pray, Lord, that they would pass bills that would be beneficial to this state and to the people and that would bring honor and glory to your name. And not a bill, Lord, that would hinder or hurt or be opposed to your will. Now we rest them in your hands. We thank you for them, in Jesus' name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following be placed on Special Order Calendar for April 19, 1978:

SB 312	SB 433	SB 493	SB 125
SB 152	HB 200	SB 624	SB 459
SB 567	HB 129	SB 340	SB 362
SB 220	SB 17	SB 105	

Respectfully submitted,
W. D. Childers, Chairman

The Committee on Judiciary-Criminal recommends the following pass: SB 581 with 1 amendment

The bill was referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Commerce recommends the following pass:

SB 249 with 2 amendments SB 689 with 1 amendment
SB 462

The Committee on Corrections, Probation and Parole recommends the following pass: SB 298, SB 58, SB 103

The Committee on Judiciary-Criminal recommends the following pass: SB 420

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Commerce recommends the following pass: SB 535 with 4 amendments

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Commerce recommends the following pass: SB 671

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Judiciary-Criminal recommends the following pass: SB 410

The Committee on Commerce recommends the following pass:

SB 276 SB 589
SB 426 SB 637 with 1 amendment
SB 481 with 2 amendments

The Committee on Rules and Calendar recommends the following pass:

SB 124 SCR 295 SB 434

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Appropriations recommends a Committee Substitute for the following: SB 296

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 133

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Commerce recommends the following not pass: SB 600, SB 603

The bills were laid on the table.

ENROLLING REPORTS

SB 154 SB 157 SB 212

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 19, 1978.

Joe Brown, Secretary

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jon Thomas, the rules were waived and by two-thirds vote Senate Bills 648 and 759 were withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Firestone, by two-thirds vote SB 274 was removed from the table, the unfavorable report of the Committee on Economic, Community and Consumer Affairs to the contrary notwithstanding, and by two-thirds vote SB 274

was recommitted to the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Poston, the rules were waived and by two-thirds vote Senate Bills 683 and 561 were withdrawn from the committees of reference and indefinitely postponed.

REQUESTS FOR EXTENSION OF TIME April 19, 1978

The Committee on Governmental Operations requests an extension of 15 days for the consideration of the following:

SB 547 by Senators SB 645 by Senator Firestone
Jon Thomas,
W. D. Childers,
et al

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for the consideration of the following:

SB 289 by Senator Graham

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 241 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Veterans Affairs and Representative Lockward and others—

HB 241—A bill to be entitled An act relating to the Florida Statutes; adding subsection (15) to s. 1.01, Florida Statutes, relating to statutory definitions; providing a definition of the term "veteran"; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Firestone, by two-thirds vote HB 241 was withdrawn from the Committee on Economic, Community and Consumer Affairs and placed on the calendar.

On motion by Senator Firestone, by unanimous consent HB 241 was taken up out of order. On motions by Senator Firestone, by two-thirds vote HB 241 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Glisson	Johnston	Scarborough
Castor	Gordon	Lewis	Skinner
Chamberlin	Gorman	MacKay	Spicola
Childers, Don	Graham	McClain	Trask
Childers, W. D.	Hair	Myers	Williamson
Firestone	Henderson	Poston	Winn
Gallen	Holloway	Renick	Zinkil

Nays—None

Votes after roll call:

Yeas—Dunn and Tobiasen

SPECIAL ORDER

SB 312—A bill to be entitled An act relating to educational funding; amending s. 236.083(4) and (6), Florida Statutes, to revise the formula for determining the allowable per student cost of transported students; providing for annual recomputation of the formula; revising the mileage allowance for transportation by passenger car; providing an effective date.

—was read the second time by title.

Senator Trask presiding

The Committee on Education offered the following amendments which were moved by Senator Hair and adopted:

Amendment 1—On page 1, between lines 18 and 19, insert: (2) Subject to the regulation of the state board, each district shall determine and report ~~one-half of the round-trip~~ ~~the one way~~ route mileage required to transport students to and from school ~~for the first time on any school day~~ and ~~one-half of the round trip~~ ~~the one-way~~ mileage on routes between school centers required to transport exceptional students and vocational students to and from centers where appropriate programs are provided. ~~One-half of the round-trip~~ ~~the one-way~~ route mileage shall be computed by adding:

(a) The loaded miles of each school bus route ~~one-way~~ as designated in accordance with s. 234.061 and served by a bus as defined by regulations of the state board, except that miles traveled for a side route to pick up students living within 1½ miles of the main trunk route and miles traveled to transport students to evening schools and enrichment programs shall not be added; and

(b) Fifty percent of the miles of the bus route traveled without students.

Amendment 2—On page 1, line 13, after the word "Subsections" insert: (2),

Amendment 3—On page 1, lines 3 and 4 in title, strike "(4) and (6), Florida Statutes," and insert: (2), (4) and (6), Florida Statutes, to determine the route mileage;

On motion by Senator Hair, by two-thirds vote SB 312 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Castor	Graham	Myers	Spicola
Chamberlin	Hair	Peterson	Thomas, Jon
Childers, Don	Henderson	Piante	Tobiasen
Childers, W. D.	Holloway	Poston	Trask
Dunn	Johnston	Renick	Ware
Firestone	Lewis	Saylor	Williamson
Glisson	MacKay	Scarborough	Winn
Gorman	McClain	Scott	

Nays—1

Skinner

Vote after roll call:

Yea—Zinkil

SB 152—A bill to be entitled An act relating to public schools; amending s. 234.03, Florida Statutes; providing liability of district school boards for tort claims arising from incidents or occurrences involving school buses or other motor vehicles used to transport persons; providing a limitation of the total liability per occurrence to persons being transported on these vehicles; providing that any such claim shall be brought as provided in s. 768.28, Florida Statutes; authorizing school boards to secure medical payments insurance on such vehicles; authorizing payment of expenses, costs, or premiums for insurance against tort liability from any available school board funds; authorizing school boards to require evidence of insurance for vehicles used in transportation but not owned by the board; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 152 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Castor	Graham	Peterson	Thomas, Jon
Chamberlin	Hair	Plante	Tobiasen
Childers, Don	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Dunn	Johnston	Saylor	Ware
Firestone	Lewis	Scarborough	Williamson
Glisson	MacKay	Scott	Wilson
Gordon	McClain	Skinner	Winn
Gorman	Myers	Spicola	Zinkil

Nays—None

SB 567—A bill to be entitled An act relating to drivers' licenses; amending s. 322.27(1)(b), Florida Statutes; adding s. 322.27(2)(h), Florida Statutes; providing circumstances under which the Department of Highway Safety and Motor Vehicles may suspend a driver's license without preliminary hearing; providing circumstances for the deduction of points from the driver history record of certain persons; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 567 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Castor	Gorman	Peterson	Tobiasen
Chamberlin	Graham	Plante	Trask
Childers, Don	Hair	Poston	Vogt
Childers, W. D.	Henderson	Renick	Ware
Dunn	Holloway	Scarborough	Williamson
Firestone	Johnston	Scott	Wilson
Gallen	Lewis	Skinner	Winn
Glisson	McClain	Spicola	Zinkil
Gordon	Myers	Thomas, Jon	

Nays—None

SB 220—A bill to be entitled An act relating to drivers' licenses; amending s. 322.01(13), (14), Florida Statutes, and adding subsections (16) and (17) to said section; defining certain terms; amending s. 322.02(2), Florida Statutes; changing qualifications of the director of the Division of Drivers' Licenses of the Department of Highway Safety and Motor Vehicles; amending s. 322.03(1), (2), Florida Statutes; providing for surrender of out-of-state drivers' licenses to the Department of Highway Safety and Motor Vehicles; providing circumstances under which a chauffeur's license is required; amending ss. 322.031 and 322.04(2), Florida Statutes; requiring drivers' licenses for certain nonresidents; amending s. 322.05(2), (3), Florida Statutes; providing requirements for issuance of a chauffeur's license; providing circumstances under which a driver's license may not be issued; amending s. 322.051(1), Florida Statutes; requiring certain information to appear on identification cards; amending s. 322.08, Florida Statutes; providing requirements for applications; amending s. 322.09(1)(b), (2), (3), Florida Statutes; requiring certain documents to be certified; eliminating provision for application for multiple drivers' licenses; imputing negligence of a minor to the person who signed that minor's application; amending s. 322.10, Florida Statutes; providing for release from liability of the person who signed a minor's application under certain circumstances; amending s. 322.12(2), Florida Statutes; eliminating time requirement for examination; providing for alternate location of examination; amending s. 322.121(1), (2), Florida Statutes; deleting notice requirement for reexamination; deleting obsolete language; amending s. 322.13, Florida Statutes; providing for appointment and duties of driver's license examiners; amending s. 322.14, Florida Statutes; providing for certain information to appear on licenses; amending s. 322.142(1), (2), (5), Florida Statutes; providing for issuance of photographic licenses; providing for use of the film negative or print file of the Department of Highway Safety and Motor Vehicles; amending s. 322.16(2), Florida Statutes; clarifying provisions relating to restricted licenses; amending s. 322.18(2)(a), (c), (6), Florida Statutes; providing for expiration date of licenses; providing for issuance of license or temporary permit if a licensee does not receive a certificate of eligibility; adding s. 322.20(3), Florida Statutes; prohibiting unauthorized alteration of records; amending s. 322.212(1), (3), Florida Statutes; deleting references to county court judges and agents of Department of Highway Safety and Motor Vehicles in provision relating to unauthorized use or possession of license; amending s. 322.22(1), Florida Statutes; prescribing circumstances for cancellation of licenses; amending s. 322.221(2)(c), Florida Statutes; clarifying language; amending s. 322.25(7), Florida Statutes; providing for temporary reinstatement of driving privilege of persons convicted of certain offenses; amending s. 322.27(1)(b), Florida Statutes; increasing amount of property damage necessary for suspension of a license without preliminary hearing; amending s. 322.282(2), Florida Statutes; providing for issuance of temporary driving permits for employment or business purposes to persons convicted of certain offenses; renumbering s. 322.32(7), Florida Statutes, and adding a new subsection (7) to said section; prohibiting one

person from applying for, obtaining, or causing to be issued to himself, two or more drivers' licenses in different names, and providing a penalty therefor; amending s. 322.41, Florida Statutes; prohibiting the issuance of drivers' licenses by local governments; repealing s. 322.051(2), Florida Statutes, relating to the content of identification cards; repealing s. 322.211, Florida Statutes, relating to the appointment of subagents for the issuance and sale of licenses; repealing s. 322.27(3), Florida Statutes, relating to the value of certain points assigned for traffic infractions; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Poston and adopted:

Amendment 1—On page 11, lines 10 and 11, strike "or at a place reasonably close to such county"

Amendment 2—On page 4, lines 23 and 24 strike ", according to his record on file with the department,"

Amendment 3—On page 4, line 30, strike "or may be"

The Committee on Transportation offered the following amendment which was moved by Senator Poston:

Amendment 4—On page 5, line 3, after the word "months," insert: *within any calendar year,*

Senator Myers offered the following substitute amendment which was moved by Senator Poston and adopted:

Amendment 5—On page 5, strike all of line 2 and insert: *of domicile within the state for a period of more than 6 consecutive*

The Committee on Commerce offered the following amendment which was moved by Senator Poston and adopted:

Amendment 6—On page 6, lines 24 and 30, strike "10" and insert: "30"

Senator Peterson moved the following amendment which was adopted:

Amendment 7—On page 8, strike all of line 16 and insert: (1) Any person ~~12~~ ¹⁵ years of age or older who does not

The Committee on Transportation offered the following amendment which was moved by Senator Poston and adopted:

Amendment 8—On page 2 in title, lines 6 and 7, strike "providing for alternate location of examination"

Senator Peterson moved the following amendment which was adopted:

Amendment 9—On page 1 in title, line 22, after the semicolon insert: providing for the issuance of an identification card to any person 12 years of age or older;

Senator Wilson moved that the Senate reconsider the vote by which Amendment 1 was adopted. The motion failed.

On motion by Senator Poston, by two-thirds vote SB 220 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Barron	Gordon	McClain	Thomas, Jon
Castor	Gorman	Myers	Thomas, Pat
Chamberlin	Graham	Peterson	Tobiasen
Childers, Don	Hair	Poston	Trask
Childers, W. D.	Henderson	Renick	Vogt
Dunn	Holloway	Sayler	Ware
Firestone	Johnston	Scarborough	Williamson
Gallen	Lewis	Scott	Winn
Glisson	MacKay	Spicola	

Nays—4

Plante Skinner Wilson Zinkil

The President presiding

SB 433—A bill to be entitled An act relating to the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; adding s. 321.08(3), Florida Statutes; authorizing the purchase of a schedule position bond for certain officers and employees; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 433 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Myers	Spicola
Castor	Graham	Peterson	Thomas, Jon
Chamberlin	Hair	Plante	Thomas, Pat
Childers, Don	Henderson	Poston	Vogt
Childers, W. D.	Holloway	Renick	Ware
Dunn	Johnston	Saylor	Williamson
Firestone	Lewis	Scarborough	Winn
Gallen	MacKay	Scott	Zinkil
Glisson	McClain	Skinner	

Nays—None

Consideration of HB 200 was deferred.

HB 129—A bill to be entitled An act relating to death registration; amending s. 382.081(3), Florida Statutes; allowing the physician last in attendance to make medical certification; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 129 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Myers	Thomas, Jon
Barron	Gorman	Peterson	Thomas, Pat
Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Johnston	Saylor	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Nays—None

Vote after roll call:

Yea—Holloway

SB 17—A bill to be entitled An act relating to the Florida Public Service Commission; amending s. 350.01, Florida Statutes; increasing the number of commissioners; providing for the terms of commissioners; providing an effective date.

—was read the second time by title.

Senator Vogt moved the following amendment:

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Section 350.001, Florida Statutes, is created to read:

350.001 Legislative intent.—The Florida Public Service Commission has been and shall continue to be an arm of the legislative branch of government. It is the desire of the Legislature that the Governor participate in the appointment process of commissioners to the Public Service Commission. The Legislature accordingly delegates to the Governor a limited authority with respect to the Public Service Commission by authorizing him to participate in the selection of members only from the list provided by the Florida Public Service Commission Nominating Council as prescribed by s. 350.031.

Section 2. Section 350.01, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 350.01, F.S., for present text.)

350.01 Florida Public Service Commission.—

(1) The Florida Public Service Commission shall consist of five commissioners appointed by the Governor, subject to confirmation by the Senate. The Governor shall select each commissioner from a list of persons provided by the Florida Public Service Commission Nominating Council as provided in s. 350.031.

(2)(a) Each commissioner serving on the effective date of this act shall be permitted to remain in office until the completion of his current term. Upon the expiration of the term, a successor shall be appointed for a 4-year term, except that the terms of the initial members appointed under this subsection shall be as follows:

1. Two additional commissioners shall be appointed for 4-year terms beginning the first Tuesday after the first Monday in January, 1979, and successors shall be appointed for 4-year terms thereafter.

2. The vacancies created by the two present terms ending in January, 1979, shall be filled by appointment for 3-year terms and for 4-year terms thereafter.

(b) The vacancy created by the present term ending in January, 1981, shall be filled by appointment for a 4-year term and for 4-year terms thereafter.

(c) Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as original appointments to the commission.

(3) Any person serving on the commission who seeks to be appointed or reappointed shall file with the nominating council at least 90 days before the expiration of his term a statement that he desires to serve an additional term.

(4) One member of the commission shall be elected by majority vote to serve as chairman for a term of 2 years, beginning with the first Tuesday after the first Monday in January, 1979. A member may not serve two consecutive terms as chairman.

(5) The primary duty of the chairman is to serve as chief administrative officer of the commission; however, the chairman may participate in any proceedings pending before the commission when administrative duties and time permit. In order to distribute the work load and expedite the commission's calendar, the chairman, in addition to other administrative duties, has authority to assign the various proceedings pending before the commission requiring hearings to two or more commissioners or to the commission's office of hearing examiners under the supervision of the office of general counsel. Only those commissioners assigned to a proceeding requiring hearings are entitled to participate in the final decision of the commission as to that proceeding; provided, if only two commissioners are assigned to a proceeding requiring hearings and cannot agree on a final decision, the chairman shall cast the deciding vote for final disposition of the proceeding. If more than two commissioners are assigned to any proceeding, a majority of the members assigned shall constitute a quorum and a majority vote of the members assigned shall be essential to final commission disposition of those proceedings requiring actual participation by the commissioners. If a commissioner becomes unavailable after assignment to a particular proceeding, the chairman shall assign a substitute commissioner. In those proceedings assigned to a hearing examiner, following the conclusion of the hearings, the designated hearing examiner is responsible for preparing recommendations for final disposition by a majority vote of the commission. A petition for reconsideration shall be voted upon by those commissioners participating in the final disposition of the proceeding.

(6) A majority of the commissioners may determine that the full commission shall sit in any proceeding. The public counsel or a person regulated by the Public Service Commission and substantially affected by a proceeding may file a petition that the proceeding be assigned to the full commission. Within 15 days of receipt by the commission of any petition or application, the full commission shall dispose of such petition by majority vote and render a written decision thereon prior to assignment of less than the full commission to a proceed-

ing. In disposing of such petition, the commission shall consider the overall general public interest and impact of the pending proceeding, including but not limited to the following criteria: the magnitude of a rate filing, including the number of customers affected and the total revenues requested; the services rendered to the affected public; the urgency of the requested action; the needs of the consuming public and the utility; value of service involved; the effect on consumer relations, regulatory policies, conservation, economy, competition, public health, and safety of the area involved. If the petition is denied, the commission shall set forth the grounds for denial.

(7) This section does not prohibit a commissioner, designated by the chairman, from conducting a hearing as provided under s. 120.57(1), s. 323.07, or s. 350.631, and the rules of the commission adopted pursuant thereto.

(8) The commission shall employ to serve at its pleasure an executive director, a general counsel and a chief hearing examiner. Each commissioner, the general counsel and the chief hearing examiner may employ such persons to assist in the performance of his duties as authorized in the general appropriations act. Persons employed under this subsection shall not be subject to the authority of the executive director.

(9) The executive director shall be the executive officer of the commission and shall have full and final supervisory authority and responsibility for employment of the staff of the commission except for those persons employed pursuant to subsection (8).

(10) Effective the first Tuesday after the first Monday in January, 1979, the salary of commissioners shall be \$40,000 per annum.

Section 3. Section 350.031, Florida Statutes, is created to read:

350.031 Florida Public Service Commission Nominating Council.—

(1) There is created a Florida Public Service Commission Nominating Council consisting of nine members. Three members shall be appointed by the Speaker of the House; three members shall be appointed by the President of the Senate; and three members shall be selected and appointed by a majority vote of the other six members of the council. For initial terms of appointment, two members appointed by the Speaker of the House and two members appointed by the President of the Senate shall serve for 3 years each; one member appointed by the Speaker of the House and one member appointed by the President of the Senate shall serve for 1 year each; and the remaining three members shall serve for 2 years each. Thereafter, all terms shall be for 4 years each. Initial appointments shall be made by the Speaker of the House and the President of the Senate within 15 days of the date this section becomes effective. The six appointees shall meet and select the remaining three members within 30 days of the date this section becomes effective. Forty-five days after this section becomes effective the council shall hold an organizational meeting and one member of the council shall be elected by majority vote to serve as chairman for a term of 2 years. Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council.

(2) It is the responsibility of the council to recommend to the Governor not fewer than three persons for each vacancy occurring on the Public Service Commission. The council shall submit the recommendations to the Governor by October 1 of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term.

(3) No member or spouse shall be an agent, officer, employee or be any type of partner in any industry regulated by the commission, nor shall a member or spouse have any ownership in, including any ownership of shares in, or be in a position to substantially influence or affect, or be in a position to be substantially influenced or affected by the management or managerial policies of any industry regulated by the commission. A member of the council may be removed by the Speaker of the House of Representatives and the President of the Senate upon a finding by the Speaker and the President that the council member has violated any provision of this subsection or for other good cause.

(4) The council shall establish procedures for applications for membership on the commission and all applications shall

include as part thereof a full financial disclosure as provided for by law for all elected statewide public officials, and, if appointed, annually thereafter as provided by law. No person shall be recommended to the Governor by the council unless the council is satisfied that the person is competent and knowledgeable in one or more fields which include but are not limited to public affairs, consumer related issues, law, economics, accounting, engineering, finance, natural resource conservation, energy, or other fields substantially related to the duties and functions of the commission. The commission shall fairly represent the above stated fields. Recommendations of the council shall be on a nonpartisan basis.

(5) All meetings of the council shall be open to the public and subject to the provisions of s. 286.011. A majority of the membership of the council may conduct any business before the council.

(6) Members of the council are entitled to per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund.

Section 4. Subsections (3), (4), (8) and (9) of Section 350.06, Florida Statutes, are amended to read:

350.06 Place of meeting; expenditures; employment of personnel; records availability and fees.

(3) The ~~executive director commission~~ may employ clerical, technical and professional personnel reasonably necessary for the performance of ~~the their~~ duties of the commission. The ~~executive director commission~~ may also employ one or more persons capable of stenographic court reporting, to be known as the official reporters of the commission, and fix the compensation of each ~~not to exceed \$28,000 annually~~. The official reporters shall furnish only to the commission transcripts of all testimony taken by them, and the ~~executive director commission~~ may make and sell certified copies of such testimony and charge therefor the same fees as are allowed clerks of the circuit courts of the state, subject to such rules and regulations as may be prescribed by the commission.

(4) When needed, the ~~executive director commission~~ may engage supplementary qualified reporters at their usual rate of compensation; however, the supplementary reporters shall furnish the commission the original certified transcripts of testimony taken by them, but such reporters shall have the right to sell copies of such transcripts subject to rules and regulations of the commission. The commission may make copies of the transcripts for internal use without further compensation. When supplementary reporters are unable to provide copies within a reasonable time, the ~~executive director commission~~ may, upon request, sell copies at ~~the its~~ usual rate and shall deposit the proceeds in the Public Service Regulatory Trust Fund.

(8) Copies of commission orders furnished to public officials, newspapers, periodical publications, federal agencies, state officials of other states, and parties to the proceeding in which the order was entered and their attorneys shall be without charge. However, the ~~executive director of the commission~~ may, in ~~his its~~ discretion charge fees for the furnishing of more than one copy of any order to any of the foregoing.

(9) The ~~executive director of the commission~~ shall keep a book in which all fees collected by ~~the commission it~~ as provided for herein shall be recorded, together with the amount and purpose for which collected. This book shall be a public record. The ~~executive director of the commission~~ shall prepare a statement of these fees in duplicate each month and remit one copy of the statement, together with all fees collected by ~~the commission it~~, to the State Treasurer. All moneys collected pursuant to this section by the commission shall be deposited in the State Treasury to the credit of the Florida Public Service Regulatory Trust Fund created by the provisions of section 350.78.

Section 5. (1) Any former commissioner of the Public Service Commission is prohibited from appearing before the commission representing any client or any industry regulated by the Public Service Commission for a period of 2 years following termination of service on the commission.

(2) Any employee of the commission after the effective date of this section who subsequently leaves the commission is prohibited from appearing before the commission representing any client regulated by the Public Service Commission on any matter which was pending at the time of termination and in which such former employee had participated.

Section 6. Section 350.03, Florida Statutes, is repealed.

Section 7. This act shall take effect upon becoming law; provided, however, that the appointment of members intended to fill the vacancies created pursuant to the operation of paragraph (2)(a) of section 350.01, Florida Statutes, as amended by this act, shall be accomplished prior to October 15, 1978, it being the intent of the Legislature that confirmation by the Senate of the members appointed to fill such vacancies may be accomplished at the time of the organizational session in November, 1978. The provisions of subsection (3) of section 350.01, Florida Statutes, shall not apply to any person who is serving on the commission on the effective date of this act and whose seat will become vacant in January, 1979.

Senator Gordon moved the following amendment to Amendment 1 which failed:

Amendment 1A—On page 13, line 19, insert: Section 8. Section 350.0615, Florida Statutes, is created to read:

350.0615 Lobbyists' Activities

(1) Every person who appears before the Public Service Commission, any staff member thereof, the legislature or the executive branch, on behalf of a person, organization or corporation regulated by the Public Service Commission, or who serves as the authorized spokesman for any person, organization or corporation regulated by the Public Service Commission, and spends, receives or is reimbursed \$100 or more during any one calendar quarter, shall file a registration statement with the commission. Each registration statement shall be valid for a period of six months and shall include, but not be limited to, a statement by the person under oath giving his name, business address, the name and address of the principal or principals represented, the specific areas of his lobbying interest and the extent of any direct business association or partnership with any current member of the Public Service Commission, its staff, the legislative or executive branch of the state.

(2) The Public Service Commission is authorized to prescribe forms and promulgate rules to carry out the provisions of this section. The commission shall furnish forms for the convenience of registrants, but the burden of compliance shall always be on the person required to register.

(3) In addition to the registration otherwise required under the provisions of this section, each person shall submit a report to the commission quarterly, stating under oath the amounts spent for executive lobbying by such person, the principal represented, the source of funds, and the issues addressed.

(4) The expenditures shall be identified in the following categories:

- (a) Office expenses incurred in lobbying.
 - (b) Printing, mailing and advertising.
 - (c) Gifts.
 - (d) Gross salaries.
 - (e) Personal sustenance, lodging and travel, if reimbursed.
 - (f) Other.
- (5) All expenditures reported in paragraph (4)(a) through (f) plus salaries of duly registered persons shall be excluded in calculations of the cost of providing service for purposes of rate making.
- (6) All reports by persons registering shall be public record.
- (7) This act shall take effect upon becoming a law.

Senators Dunn and Pat Thomas offered the following amendment to Amendment 1 which was moved by Senator Dunn and failed:

Amendment 1B—On page 1, line 23, after "Senate" insert: In addition to other procedures prescribed by law or Senate rules for the confirmation of officers appointed by the Governor, the Senate by and through its appropriate committee or committees shall hold not less than eight public hearings at various locations in the state with respect to the confirmation of each appointee. It is declared to be the policy of the Legislature

that the electors of Florida be accorded, to the fullest extent possible, access to the constitutional process of confirmation.

Amendment 1 failed. The vote was:

Yeas—18

Mr. President	Glisson	McClain	Thomas, Jon
Castor	Graham	Myers	Thomas, Pat
Chamberlin	Hair	Sayler	Vogt
Dunn	Holloway	Skinner	
Gallen	MacKay	Spicola	

Nays—22

Barron	Henderson	Renick	Williamson
Childers, Don	Johnston	Scarborough	Wilson
Childers, W. D.	Lewis	Scott	Winn
Firestone	Peterson	Tobiasen	Zinkil
Gordon	Plante	Trask	
Gorman	Poston	Ware	

Senator Spicola moved the following amendment which failed:

Amendment 2—On page 1, strike everything after the enactment clause and insert:

Section 1. Section 350.01, Florida Statutes, is amended to read:

350.01 Florida Public Service Commissioners; *appointment; retention election.*—

(1) The Florida Public Service Commission shall consist of ~~five~~ *three* commissioners ~~elected by the qualified electors of this state for terms of 4 years each dating from the expiration of the present existing terms of said commissioners.~~ *The Governor shall fill each vacancy on the commission by appointing a person from a list of people nominated by the Florida Public Service Commission Nominating Council, and each appointment shall be subject to confirmation by the Senate. Each person appointed to fill a vacancy on the commission shall serve for the remainder of the term of office.*

(2)(a) The term of office of each commissioner shall be 4 years.

(b) Any commissioner of the Florida Public Service Commission may qualify for retention by a vote of the electors of this state in the general election next preceding the expiration of his term. When a commissioner of the Florida Public Service Commission so qualifies, the ballot shall read substantially as follows: "Shall commissioner (name of commissioner) of the Florida Public Service Commission be retained in office?" If a majority of the voting electors vote to retain, the commissioner shall be retained for a term of 4 years commencing on the first Tuesday after the first Monday in January following the general election. If a commissioner is ineligible or fails to qualify or if a majority of the voting electors vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the commissioner.

(3) In the event the electorate approves an amendment to the State Constitution at the general election in November 1978, authorizing commissioners to serve terms in excess of 4 years, the provisions of subsection (2) shall be superseded by the provisions of subsection (4).

(4)(a) The terms of office of each commissioner shall be 6 years.

(b) Any commissioner of the Florida Public Service Commission may qualify for retention by a vote of the electors of this state in the general election next preceding the expiration of his term. When a commissioner of the Florida Public Service Commission so qualifies, the ballot shall read substantially as follows: "Shall commissioner (name of commissioner) of the Florida Public Service Commission be retained in office?" If a majority of the voting electors vote to retain, the commissioner shall be retained for a term of 6 years commencing on the first Tuesday after the first Monday in January following the general election. If a commissioner is ineligible or fails to qualify or if a majority of the voting electors vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the commissioner.

Section 2. Each commissioner serving on the effective date of this act shall serve for the remainder of his term of office and shall be eligible for retention. The two offices of commissioner created by this act shall be filled by appointment in the manner provided in section 1, and the initial term of office shall be 2 years and shall begin on the first Tuesday after the first Monday in January of 1979.

Section 3. Section 350.031, Florida Statutes, is created to read:

350.031 Florida Public Service Commission Nominating Council.—

(1)(a) There is created a Florida Public Service Commission Nominating Council consisting of nine members: three members shall be appointed by the President of the Senate; three members shall be appointed by the Speaker of the House of Representatives; and three members shall be elected by a majority vote of the appointive members.

(b) Initial appointments shall be made by the President and the Speaker on or before September 1, 1978. The six members initially appointed shall meet and elect the remaining three members on or before October 1, 1978. The terms of all members initially appointed or elected shall be deemed to have begun on September 1, 1978.

(c) The terms of the members of the council shall be 4 years, except that the terms of the members initially appointed or elected shall be as follows: the members appointed by the President shall serve for terms of 3 years; the members appointed by the Speaker shall serve for terms of 2 years; and the members elected by the appointive members shall serve for terms of 1 year.

(d) Council members are eligible for reappointment or reelection to the council. Any vacancy on the council shall be filled by the official who appointed the member whose seat is vacant or, if the member whose seat is vacant was elected, by election by the appointive members of the council.

(2) No member of the council shall:

(a) Be an agent, officer, or employee of an industry regulated by the Florida Public Service Commission or have a material interest in such industry.

(b) Be related by consanguinity or affinity within the third degree to an agent, officer, or employee of an industry regulated by the Florida Public Service Commission or to any person having a material interest in such an industry.

(c) Receive or have received during the 2 years prior to his appointment or election, more than 10 percent of his gross personal income from an industry regulated by the Florida Public Service Commission.

(3) For purposes of this section "material interest" means ownership of more than 5 percent of the total assets or capital stock of an industry or an equitable or beneficial interest in more than 5 percent of the total assets or capital stock of an industry. The term "material interest" does not include membership in a rural electric cooperative.

(4) Before November 1 of each odd-numbered year, the council shall elect one of its members to serve as chairman for a 2-year term beginning on November 1 of such year.

(5) All meetings of the council shall be open to the public and subject to the provisions of s. 286.011. A majority vote of the council is required for any action or nomination by the council.

(6) Members of the council shall serve without compensation but shall receive travel and per diem as provided in s. 112.061.

(7)(a) The council shall:

1. Nominate not less than three persons for each vacancy on the Florida Public Service Commission, and shall submit such nominations to the Governor within 60 days after the vacancy occurs.

2. Establish procedures for receiving and processing applications for nomination to the Florida Public Service Commission including, but not limited to, the form of the application and procedures for interviewing applicants and researching the qualifications of the applicant.

(8) The council may nominate any person to the commission including a person who has not applied for nomination.

Section 4. Before November 15, 1978, the Florida Public Service Commission Nominating Council shall nominate for appointment to the Florida Public Service Commission not less than three persons for each of the two positions created by this act.

Section 5. Section 350.057, Florida Statutes, is created to read:

350.057 Petitions before the Florida Public Service Commission; assignment; decision.—The chairman of the Florida Public Service Commission may assign the various petitions coming before the commission to two or more commissioners in order to distribute the workload and expedite the commission calendar. Only the commissioners assigned to a particular petition prior to its consideration shall participate in any decision on the petition. A majority vote of the commissioners assigned to a petition is required for any action on the petition. If the vote of the commissioners assigned to a petition is evenly divided, the chairman of the commission shall, after a review of the record of proceedings on the petition, cast the deciding vote. This section shall not prohibit one commissioner from conducting a hearing as permitted under the commission rules or under chapter 120.

Section 6. Section 350.03, Florida Statutes, is hereby repealed.

Section 7. This act shall take effect July 1, 1978.

Senator Graham moved the following amendment which failed:

Amendment 3—On page 2, lines 2 and 3, insert: A new Section 2.

Section 2. Part II of chapter 106, Florida Statutes, consisting of sections 106.50, 106.51, 106.52, 106.53, 106.54 and 106.55, is created to read:

PART II

PUBLIC SERVICE COMMISSION—PUBLIC CAMPAIGN FINANCING

106.50 Definitions.—As used in this part, unless the context clearly indicates otherwise:

(1) "Recipient candidate" means any candidate for the office of Florida public service commissioner who has received certification from the Secretary of State as having complied with the requirements of this part.

(2) "Public funds" means those funds deposited into the Florida Public Service Commission Campaign Trust Fund, established pursuant to s. 106.55.

(3) "Matching contribution" means a gift of money made by a written instrument which identifies the person or political committee making the contribution by full name, place of residence, if any, and mailing address, and made for the purpose of influencing the results of an election. However, the term "matching contribution" does not include:

(a) A subscription, loan, or advance of money, or anything of value made for such purpose.

(b) A contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(c) A contribution in kind having an attributable monetary value in any form.

(d) The payment by any person, other than the candidate, of compensation for the personal services of another person which are rendered to the candidate without charge to the candidate.

(4) "Division" means the Division of Elections of the Department of State.

106.51 Entitlement to public funds; statement of intent.—

(1) Each candidate for the Florida Public Service Commission may seek the benefits offered under this part. Each candidate seeking benefits under this part shall file a written statement with the division stating that he intends to seek certification as a recipient candidate using either the petition

method as described in s. 106.52 or the matching contributions method as described in s. 106.53.

(2) Such statement shall be filed at any time after January 1 of the year in which the election for the office sought is held, but no later than noon of the 63rd day prior to the first primary.

(3) The division shall prescribe the form to be used in administering and filing such statement. No matching contributions shall be received nor shall signatures be obtained on any petitions by a candidate or anyone acting on his behalf until the candidate has filed the statement.

106.52 Entitlement to public funds; petition method.—

(1) When a candidate has filed the statement prescribed in s. 106.51, and has stated his intention to use the petition method, the division shall forthwith provide the candidate with petition forms in sufficient numbers to facilitate the collection of signatures. The candidate may immediately seek signatures thereon to entitle his candidacy to the benefits of this part.

(2) Only signatures of registered electors shall count toward the minimum number of signatures prescribed. A separate petition shall be circulated for each county from which signatures are sought.

(3) The division shall prescribe the form of the petitions, which shall include the following:

(a) The name of the candidate.

(b) The office sought.

(c) The party affiliation of the candidate, or the identification of the candidate as an independent.

(d) A statement that the petition is being circulated to entitle the candidate to the benefits of public funds for use in his campaign.

(e) The county within which the particular petition is being circulated.

(4) The signatures of the requisite number of registered electors of the state shall be required to entitle a candidate to certification as a recipient candidate by the division under the petition method. The requisite number of registered electors whose signatures must be obtained is as follows:

(a) For the candidate who seeks the nomination of a major political party, 2 percent of the total number of electors registered in such political party.

(b) For any other candidate, 2 percent of the total number of registered electors in the state.

In each case, the total number of registered electors shall be that number shown by the compilation by the Department of State for the most recent general election.

(5) Each petition shall be submitted to the supervisor of elections of the county in which such petition is circulated, not later than the 63rd day prior to the first primary. The supervisor of elections shall check the names of the persons on the petition to verify their status as registered electors of that county and of the political party by which the candidate seeks nomination, if applicable. No later than the 49th day prior to the first primary, the supervisor of elections shall certify the number of signatures of persons shown as registered electors of such county and of the appropriate political party, if applicable, and submit such certification to the division.

(6) The division shall determine whether the required number of certified signatures has been obtained to entitle the candidate to certification as a recipient candidate under the petition method. Such determination shall be made and reported to each affected candidate no later than the 39th day prior to the first primary.

(7) The division shall reimburse the Board of County Commissioners of each county whose supervisor of elections filed a report verifying petitions with the division for the cost of verification of petitions by the supervisor of elections. The reimbursement shall be in an amount equal to 15 cents for each

registered elector whose signature was verified, or the actual cost of verification, whichever is less.

(8) The sums reimbursed shall be paid from the Florida Public Service Commission Campaign Trust Fund, unless such fund should be exhausted by disbursements to recipient candidates under the provisions of s. 106.54. If such fund is exhausted, the division shall reimburse the counties from funds provided for such purposes in the General Revenue Fund.

106.53 Entitlement to public funds; matching contributions method.—

(1) When a candidate has filed the statement prescribed in s. 106.51 stating his intention to use the matching contributions method, and has met the requirements of s. 106.021 for the designation of a campaign treasurer and depository, the division shall forthwith provide the candidate with contribution report forms of sufficient numbers to facilitate the collection of matching contributions. The candidate may immediately seek matching contributions to entitle his candidacy to the benefits of this part.

(2) The provisions of s. 106.08 to the contrary notwithstanding, no candidate shall accept contributions from any person or political committee which exceed \$100 in the aggregate.

(3) No later than the 49th day prior to the first primary, a candidate seeking the benefits of this part shall file a statement with the division certifying that he has received matching contributions which, in the aggregate, exceed \$30,000. The statement shall contain a copy of any report required in s. 106.07, in which the matching contributions are designated.

(4) The division shall determine whether the required amount of matching contributions has been obtained to entitle the candidate to certification as a recipient candidate under the matching contributions method. The determination shall be made and reported to each affected candidate no later than the 39th day prior to the first primary.

106.54 Allocation of public funds.—

(1) No public funds shall be allocated to a recipient candidate until certified as such by the division.

(2) No later than 25 days prior to the first primary election and the general election and no later than 15 days prior to the second primary election the division shall pay, or cause to be paid, public funds out of the Florida Public Service Commission Campaign Trust Fund according to the following:

(a) For a recipient candidate who participates and is opposed in the first primary election, \$40,000.

(b) For a recipient candidate who participates and is opposed in the second primary election, \$20,000.

(c) For a recipient candidate who participates and is opposed in the general election, \$60,000.

(3) No later than December 1 of each general election year, the division shall pay, or cause to be paid, the reimbursements for verification costs as authorized in s. 106.52.

106.55 Florida Public Service Commission Campaign Trust Fund.—

(1) There is created the Florida Public Service Commission Campaign Trust Fund. All taxes collected pursuant to s. 350.782 shall be deposited in the fund.

(2) The division shall have supervisory duty and authority over the fund. The division shall cause all moneys paid into the fund to be maintained in a separate account in the State Treasury for disbursement in accordance with the provisions of this part.

Section 350.782, Florida Statutes, is created to read:

350.782 Annual tax on gross receipts of electric and gas utilities and telephone, telegraph, railroad, express, and pullman companies; intrastate business.—Each telephone and telegraph company and gas and electric utility required to pay a tax pursuant to s. 350.78, and each railroad, express, and pullman company required to pay a tax pursuant to s. 350.781, shall pay to the Department of State on or before July 1 of each year,

one-twentieth of 1 percent of its gross operating revenues derived from intrastate business done within Florida during the preceding calendar year. All payments to the Department of State under this section shall be deposited in the State Treasury to the credit of the Florida Public Service Commission Campaign Trust Fund to be disbursed pursuant to part II of chapter 106.

On motion by Senator Don Childers, by two-thirds vote SB 17 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Myers	Thomas, Jon
Castor	Graham	Peterson	Tobiassen
Chamberlin	Hair	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Glisson	MacKay	Skinner	Winn
Gordon	McClain	Spicola	Zinkil

Nays—1

Gallen

SB 493—A bill to be entitled An act relating to beverage licenses; adding s. 561.20(10), Florida Statutes; providing that a special license may be issued to a marketing association of horse breeders notwithstanding the limitations of the Beverage Law; restricting the use of such special licenses; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 493 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gorman	McClain	Thomas, Jon
Castor	Graham	Plante	Thomas, Pat
Chamberlin	Hair	Renick	Tobiassen
Childers, Don	Henderson	Sayler	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Glisson	MacKay	Spicola	

Nays—3

Poston Trask Zinkil

Votes after roll call:

Yea—Myers
Nay—Peterson

SB 624—A bill to be entitled An act relating to hunting; amending s. 372.576, Florida Statutes; authorizing the Game and Fresh Water Fish Commission to define by regulation the term "primitive weapon" and to issue permits to hunt with any such weapon; setting a permit fee; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Vogt and adopted:

Amendment 1—On page 1, line 14, strike "*and primitive weapon*" and insert: *or muzzle-loading gun*

Amendment 2—On page 1, lines 17-18, strike "*any other primitive weapon as defined by regulations of*" and insert: *muzzle-loading gun during special seasons set by*

Amendment 3—On page 1, in the title, strike all of lines 4 through 6 and insert: and Fresh Water Fish Commission to issue permits to hunt with muzzle-loading guns;

On motion by Senator Gallen, by two-thirds vote SB 624 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	McClain	Tobiassen
Barron	Gorman	Poston	Trask
Castor	Graham	Renick	Vogt
Chamberlin	Hair	Sayler	Ware
Childers, Don	Henderson	Scarborough	Williamson
Childers, W. D.	Holloway	Scott	Wilson
Dunn	Johnston	Spicola	Winn
Firestone	Lewis	Thomas, Jon	
Glisson	MacKay	Thomas, Pat	

Nays—None

Votes after roll call:

Yeas—Myers and Peterson

SB 340—A bill to be entitled An act relating to jai alai frontons; amending s. 551.12, Florida Statutes; prescribing the times during which jai alai may be played on certain days and extending the starting time for the last game played on certain days; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Henderson and adopted:

Amendment 1—On page 3, lines 3 and 4, strike ", or 12 midnight on any Saturday night"

Senator Gallen moved the following amendment:

Amendment 2—On page 2, strike all of lines 22 through 27 inclusive and insert: measured, of the location of the original fronton. Provided, also, that the Board of Business Regulation shall not limit the number of presently authorized operation days in any 12-month period for such operators of licensed frontons during the period extending from and including December 1 in each year to and including April 10 of

Senator Trask moved that the Senate reconsider the vote by which SB 201 failed April 18.

The motion was placed on the calendar for consideration April 20.

On motion by Senator W. D. Childers, the rules were waived and the Workmen's Compensation select subcommittee of the Commerce Committee was granted permission to meet from 1:30 p.m. until 2:30 p.m. April 20 to consider SB 407.

Senator Vogt moved that the Senate reconsider the vote by which SB 17 passed this day.

The motion was placed on the calendar for consideration April 20.

CO-INTRODUCERS

Senator Sayler—SB 146; Senator Peterson—CS for SB 261, Senate Bills 171 and 196; Senator Scott—SB 197; Senator MacKay—SB 664; Senators Gallen, Dunn, Renick, Tobiassen, Zinkil—SB 737; Senator Gordon—SB 692

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 18 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to convene

at 8:30 a.m., April 20, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.